

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-17-0019  
ADD RULE 23.1, ARIZONA RULES OF )  
FAMILY LAW PROCEDURE )  
 ) **FILED 08/31/2017**  
 )

## ORDER

ADDING RULE 23.1, ARIZONA RULES OF FAMILY LAW PROCEDURE

A petition having been filed proposing to add Rule 23.1, Arizona Rules of Family Law Procedure, and comments having been received, upon consideration,

**IT IS ORDERED** that Rule 23.1, Arizona Rules of Family Law Procedure, be added in accordance with the attachment hereto, effective January 1, 2018.

DATED this 31st day of August, 2017.

/s/  
SCOTT BALES  
Chief Justice

TO:

Rule 28 Distribution

Hon Suzanne E Cohen

Hon David L Mackey

**Attachment**  
**(New language is underlined)**

**Rules of Family Law Procedure**

**Rule 23.1. Improper Venue.**

- A. Transfer Upon Court's Motion.** When a family law action has been commenced in an improper county in violation of A.R.S. § 12-401, A.R.S. § 25-502, or A.R.S. § 25-802, the court, upon a finding that venue is improper, may on its own motion transfer the case to a county where venue is proper, so long as such transfer occurs no later than thirty (30) days after a Resolution Management Conference has been scheduled pursuant to Rule 76. Prior to ordering a transfer of the case under this rule, the court must provide the parties notice of its intent to transfer the case and allow the parties ten (10) days to file objections to the proposed transfer.
- B. Fees.** If a change of venue is ordered under this Rule, the plaintiff must pay the transmittal fee under A.R.S. § 12-284 to the clerk of the court transferring the case no later than 20 days after the order directing the change. No later than 30 days after the clerk of the receiving court receives the file, the plaintiff must pay that clerk the initial case filing fee. If the plaintiff fails to timely pay either the transferring court's transmittal fee or the receiving court's filing fee, the court that ordered the change must dismiss the case without prejudice. The court ordering the transfer of venue may order the clerk of that court to refund the plaintiff's original filing fee.